THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 24511 OF 2006

DATED: 19.6.2007

Between:

Smt.Ch.Kamala

… Petitioner

and

The Government of A.P. rep. By its Secretary, Revenue Department, Secretariat Buildings, Hyderabad and others

….Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.24511 OF 2006

ORAL ORDER:

The petitioner assails the notification issued under Section.4(1) of the Land Acquisition Act,1894 (for short "the Act") by the 2nd respondent dated.23-08-2006 and the draft declaration issued on 07-11-2006 for acquisition of the petitioner's lands in an extent of Ac.2.00 in Sy.No.409 of Farijellipeta Villge, Rajanagarm Mandal, East Godavari District. The petitioner lodged objections to the acquisition process. The Joint Collector, East Godavari District by an order dated.02-11-2006 rejected the petitioner's objections to the acquisition proposal and directed the Sub-Collector to submit proposals for issuance of a draft declaration under Section.6 of the Act. *Inter alia* the petitioner assails the power, authority and jurisdiction of the Joint Collector to exercise the power of the Government under Section.5-A(2) of the Act.

The learned Government Pleader for Land Acquisition appears and concedes the legal position that the Joint Collector has no power, authority and jurisdiction to exercise the power of the District Collector and it is the only District Collector who could do so in the light of the provisions of the Sec.5-A(2) read with Sec.3-A of the Act.

The learned Government Pleader also states that a policy decision has been taken that in all cases where the Joint Collector has exercised the powers, the same being illegal would be rescinded and an appropriate decision taken by the

District Collector and that the same would be communicated to the persons who had lodged objections or other persons interested and only thereafter further proceedings including under Sec.6 of the Act would be taken.

In the light of the submissions made by the learned Government Pleader for Land Acquisition the declaration under Section.6 of the Act dated.07-11-2006 insofar as the land in an extent of Ac.2.00 in Sy.No.409 of Farijellipeta Villge, Rajanagarm Mandal, East Godavari District is concerned, is quashed. It is however open to the authority competent to exercise powers under Section.5-A(2) of the Act to consider the objections lodged by the petitioner, take a decision on the issue after considering such objections and to communicate the decision taken to the petitioner. Till then the petitioner shall not be dispossessed.

The writ petition is disposed of as above. There shall be no order as to costs.

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GODA RAGHURAM,J

19th JUNE,2007

***TSNR**